

PUBLIC MATTER

FILED

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STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

STATE BAR OF CALIFORNIA
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STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

In the Matter of:)	Case No. 08-O-10778; 08-O-11673
GLORIA M. GONG,)	NOTICE OF DISCIPLINARY CHARGES
No. 163418,)	
)	
A Member of the State Bar)	

NOTICE - FAILURE TO RESPOND!

IF YOU FAIL TO FILE AN ANSWER TO THIS NOTICE WITHIN THE TIME ALLOWED BY STATE BAR RULES, INCLUDING EXTENSIONS, OR IF YOU FAIL TO APPEAR AT THE STATE BAR COURT TRIAL, (1) YOUR DEFAULT SHALL BE ENTERED, (2) YOU SHALL BE ENROLLED AS AN INACTIVE MEMBER OF THE STATE BAR AND WILL NOT BE PERMITTED TO PRACTICE LAW UNLESS THE DEFAULT IS SET ASIDE ON MOTION TIMELY MADE UNDER THE RULES OF PROCEDURE OF THE STATE BAR, (3) YOU SHALL NOT BE PERMITTED TO PARTICIPATE FURTHER IN THESE PROCEEDINGS UNLESS YOUR DEFAULT IS SET ASIDE, AND (4) YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.

STATE BAR RULES REQUIRE YOU TO FILE YOUR WRITTEN RESPONSE TO THIS NOTICE WITHIN TWENTY DAYS AFTER SERVICE.

IF YOUR DEFAULT IS ENTERED AND THE DISCIPLINE IMPOSED BY THE SUPREME COURT IN THIS PROCEEDING INCLUDES A PERIOD OF ACTUAL SUSPENSION, YOU WILL REMAIN SUSPENDED FROM THE PRACTICE OF LAW FOR AT LEAST THE PERIOD OF TIME SPECIFIED BY THE SUPREME COURT. IN ADDITION, THE ACTUAL

1 SUSPENSION WILL CONTINUE UNTIL YOU HAVE REQUESTED,
2 AND THE STATE BAR COURT HAS GRANTED, A MOTION FOR
3 TERMINATION OF THE ACTUAL SUSPENSION. AS A CONDITION
4 FOR TERMINATING THE ACTUAL SUSPENSION, THE STATE BAR
5 COURT MAY PLACE YOU ON PROBATION AND REQUIRE YOU TO
6 COMPLY WITH SUCH CONDITIONS OF PROBATION AS THE STATE
7 BAR COURT DEEMS APPROPRIATE. SEE RULE 205, RULES OF
8 PROCEDURE FOR STATE BAR COURT PROCEEDINGS.

9 The State Bar of California alleges:

10 JURISDICTION

11 1. GLORIA M. GONG ("Respondent") was admitted to the practice of law in the State
12 of California on December 2, 1992, was a member at all times pertinent to these charges, and is
13 currently a member of the State Bar of California.

14 COUNT ONE

15 Case No. 08-O-10778
16 Rules of Professional Conduct, rule 3-110(A)
17 [Failure to Perform with Competence]

18 2. Respondent wilfully violated Rules of Professional Conduct, rule 3-110(A), by
19 intentionally, recklessly, or repeatedly failing to perform legal services with competence, as
20 follows:

21 3. In or about December 2001, Itzel Rodriguez filed for an immigrant visa on her
22 father's, Alberto Sotelo's ("Sotelo"), behalf.

23 4. On or about September 14, 2003, the government notified Sotelo that his application
24 for status as a legal resident was denied.

25 5. On or about October 2, 2003, Sotelo consulted with Respondent and paid \$40.00 for
26 the consultation. On the same date, Respondent was hired by Sotelo to file a *Motion to*
27 *Reconsider* the denial of Sotelo's application for status as a legal resident.

28 6. On or about October 22, 2003, Respondent was paid \$467.50 by Sotelo for attorney
fees.

7. On or about January 28, 2004, Respondent was paid \$400 by Sotelo for attorney fees.

8. Between October 2, 2003, and October 1, 2007, Respondent did not file a Motion to
Reconsider, as was agreed in the retainer agreement with Sotelo.

9. On or about October 1, 2007, Sotelo hired new counsel, Angela McGill ("McGill") to represent him in the immigration matter. Subsequently, McGill filed documents in the appropriate court regarding the Sotelo immigration matter.

10. By failing to file a Motion to Reconsider on behalf of Sotelo, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence in willful violation of the Rules of Professional Conduct, rule 3-110(A).

COUNT TWO

Case No. 08-O-10778
Business and Professions Code, section 6068(i)
[Failure to Cooperate in State Bar Investigation]

11. Respondent wilfully violated Business and Professions Code, section 6068(i), by failing to cooperate and participate in a disciplinary investigation pending against Respondent, as follows:

12. On or about February 27, 2008, the State Bar opened an investigation of Respondent's representation of Sotelo after receiving a complaint from Sotelo.

13. On or about July 16, 2008, a State Bar investigator wrote Respondent regarding her representation of Sotelo. The investigator's letter was placed in a sealed envelope addressed to Respondent at her State Bar of California membership records address. The letter was mailed by first class mail, postage prepaid, by depositing for collection by the United States Postal Service in the ordinary course of business. The investigator's July 16, 2008, letter requested that Respondent respond in writing by July 30, 2008, to specific allegations of misconduct being investigated by the State Bar in the Sotelo representation.

14. On or about July 23, 2008, the State Bar received the July 16, 2008, letter returned from Respondent's membership record's address that indicated the following: "attempted not known; unable to forward."

15. On or about July 29, 2008, a second letter was sent to Respondent at her membership record's address. The investigator's letter was placed in a sealed envelope addressed to Respondent at her State Bar of California membership records address. The letter was mailed by first class mail, postage prepaid, by depositing for collection by the United States Postal Service

1 in the ordinary course of business. The investigator's July 29, 2008, letter requested that
2 Respondent respond in writing by August 12, 2008, to specific allegations of misconduct being
3 investigated by the State Bar in the Sotelo representation.

4 16. On or about August 5, 2008, the State Bar received the July 29, 2008, letter returned
5 from Respondent's membership record's address that indicated the following: "not deliverable as
6 addressed; unable to forward."

7 17. On or about July 29, 2008, and August 15, 2008, an outgoing telephone call was
8 placed by a State Bar investigator to Respondent's membership record's office telephone
9 number. On each occasion, the State Bar investigator received a message indicating that the
10 phone number was disconnected.

11 18. As of November 21, 2008, Respondent has failed to cooperate in the investigation
12 regarding her representation of Sotelo.

13 19. By not providing a written response to the allegations in the Sotelo representation,
14 Respondent failed to cooperate in a disciplinary matter in willful violation of Business and
15 Professions Code, section 6068(i).

16 COUNT THREE

17 Case No. 08-O-11673
18 Rules of Professional Conduct, rule 3-110(A)
[Failure to Perform with Competence]

19 20. Respondent wilfully violated Rules of Professional Conduct, rule 3-110(A), by
20 intentionally, recklessly, or repeatedly failing to perform legal services with competence, as
21 follows:

22 21. On or about March 13, 2006, Respondent was hired by Greg Furr ("Furr") to
23 complete all work related to obtaining legal immigration status for his wife, Anacoreta.
24 Respondent told Furr that the representation would cost \$1500. Furr paid \$100 to Respondent
25 towards the representation.

26 22. On or about March 21, 2006, Furr paid Respondent an additional \$500 towards the
27 representation.
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1 23. On or about December 6, 2006, Furr paid Respondent an additional \$900 towards the
2 representation. In total, Respondent was paid \$1500 for the representation of Anacoreta in the
3 immigration matter. On or about July 17, 2006, Respondent filed an *Immigrant Petition for*
4 *Relative, Fiance, or Orphan* ("Petition") with the U.S. Citizenship and Immigration Service.

5 24. Following the filing of the Petition, Respondent performed no further services on
6 behalf of Anacoreta.

7 25. In or about June 2007, and without completing any of the services she was hired to
8 perform, Respondent notified Furr that she was retiring. Further, Respondent stated that she was
9 giving Anacoreta's file to another attorney, William Edwards ("Edwards"), for future handling.
10 Neither Furr nor Anacoreta agreed to Edwards working on the immigration matter.

11 26. On or about July 17, 2007, Furr hired Marcos Camacho to represent them in the
12 immigration matter. Subsequently, Camacho was able to obtain, among other things a green
13 card and social security number for Anacoreta.

14 27. Respondent did not perform any services of value for Furr or Anacoreta.

15 28. By failing to perform any services of value to Furr or Anacoreta, Respondent
16 willfully violated Rules of Professional Conduct, rule 3-110(A).

17 COUNT FOUR

18 Case No. 08-O-11673
19 Rules of Professional Conduct, rule 3-700(D)(2)
[Failure to Refund Unearned Fees]

20 29. Respondent wilfully violated Rules of Professional Conduct, rule 3-700(D)(2), by
21 failing to refund promptly any part of a fee paid in advance that has not been earned, as follows:

22 30. The allegations of paragraphs through are incorporated herein by reference.

23 31. On or about June 18, 2008, Furr requested a refund from Respondent of fees paid. As
24 of November 21, 2008, Respondent has not refunded any fees paid to her by Furr.

25 32. By failing to refund any part of the advanced fees paid by Furr, despite Furr making
26 such a request in writing, Respondent willfully violated the Rules of Professional Conduct, rule
27 3-700(D)(2).

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33. Respondent wilfully violated Business and Professions Code, section 6068(i), by failing to cooperate and participate in a disciplinary investigation pending against Respondent, as follows:

35. On or about July 3, 2008, a State Bar investigator wrote Respondent regarding her representation of Furr and Anacoreta. The investigator's letter was placed in a sealed envelope addressed to Respondent at her State Bar of California membership records address. The letter was mailed by first class mail, postage prepaid, by depositing for collection by the United States Postal Service in the ordinary course of business. The investigator's July 3, 2008, letter requested that Respondent respond in writing by July 18, 2008, to specific allegations of misconduct being investigated by the State Bar in the Furr and Anacoreta representation.

37. On or about September 12, 2008, an additional letter was sent by a State Bar investigator to Respondent at 7534 Leecast Ct, Richmond, TX 77407. The investigator's September 12, 2008, letter requested that Respondent provide a written response to the allegations of misconduct being investigated by the State Bar in the Furr and Anacoreta representation by September 26, 2008. The State Bar has not received any response from Respondent to the September 12, 2008, letter. The United States Postal Service did not return the investigator's September 12, 2008, letter as undeliverable or for any other reason.

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1 38. By not providing a written response to the allegations in the Furr and Anacoreta
2 representation, Respondent failed to cooperate in a disciplinary matter in willful violation of
3 Business and Professions Code, section 6068(i).

4 **NOTICE - INACTIVE ENROLLMENT!**

5 **YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR**
6 **COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE**
7 **SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL**
8 **THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO**
9 **THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN**
10 **INACTIVE MEMBER OF THE STATE BAR. YOUR INACTIVE**
11 **ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE**
12 **RECOMMENDED BY THE COURT. SEE RULE 101(c), RULES OF**
13 **PROCEDURE OF THE STATE BAR OF CALIFORNIA.**


14 **NOTICE - COST ASSESSMENT!**

15 **IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC**
16 **DISCIPLINE, YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS**
17 **INCURRED BY THE STATE BAR IN THE INVESTIGATION, HEARING**
18 **AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND**
19 **PROFESSIONS CODE SECTION 6086.10. SEE RULE 280, RULES OF**
20 **PROCEDURE OF THE STATE BAR OF CALIFORNIA.**

21 Respectfully submitted,

22 THE STATE BAR OF CALIFORNIA
23 OFFICE OF THE CHIEF TRIAL COUNSEL

24 DATED: November 24, 2008

25 By: 
26 DAVID T. SAUBER
27 Deputy Trial Counsel
28

1 DECLARATION OF SERVICE BY CERTIFIED MAIL

2 **CASE NUMBER: 08-O-10778; 08-O-11673**

3 I, the undersigned, over the age of eighteen (18) years, whose business address and place
4 of employment is the State Bar of California, 1149 South Hill Street, Los Angeles, California
5 90015, declare that I am not a party to the within action; that I am readily familiar with the State
6 Bar of California's practice for collection and processing of correspondence for mailing with the
7 United States Postal Service; that in the ordinary course of the State Bar of California's practice,
8 correspondence collected and processed by the State Bar of California would be deposited with
9 the United States Postal Service that same day; that I am aware that on motion of party served,
service is presumed invalid if postal cancellation date or postage meter date on the envelope or
package is more than one day after date of deposit for mailing contained in the affidavit; and that
in accordance with the practice of the State Bar of California for collection and processing of
mail, I deposited or placed for collection and mailing in the City and County of Los Angeles, on
the date shown below, a true copy of the within

10 **NOTICE OF DISCIPLINARY CHARGES**

11 in a sealed envelope placed for collection and mailing as certified mail, return receipt requested,
12 Article No.: 7160 3901 9848 5950 5651 at Los Angeles, on the date shown below, addressed to:

13 **Gloria M. Gong**
14 **P. O. Box 1168**
Bakersfield, CA 93302

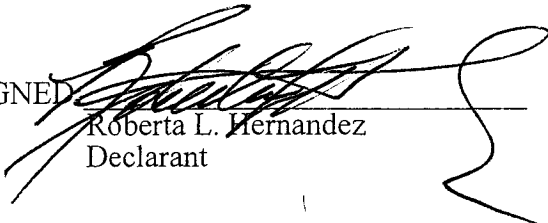
15 in an inter-office mail facility regularly maintained by the State Bar of California addressed to:

16 **N/A**

17 I declare under penalty of perjury under the laws of the State of California that the
18 foregoing is true and correct. Executed at Los Angeles, California, on the date shown below.

19
20 DATED: November 24, 2008

SIGNED


Roberta L. Hernandez
Declarant

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